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Attorney for Defendant DUKE CAPITAL LLC

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

SARAH CASTILLO and VITORIA SVENSSON, on behalf of Plaintiff and Class, Plaintiff, vs. DUKE CAPITAL LLC, Defendant.	NOTICE OF REMOVAL Case No.: 2:20-cv-00229 Judge: Jill N. Parrish [State Court Case No. 200901994 Hon. Royal I. Hansen]
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PLEASE TAKE NOTICE that Defendant DUKE CAPITAL LLC, hereby removes to this Court the Utah State Court action described below.

1. On or about March 11, 2020, an action was commenced by Plaintiff in the Utah Third Judicial District Court, County of Salt Lake, Department of Salt Lake City. The action was entitled Sarah Castillo and Vitoria Svensson, and Class, v. Duke Capital LLC, case no. 200901994. A copy of the Utah Third District Court Docket is attached hereto as Exhibit A.

2. Defendant FORSYTHE FINANCE, LLC was served with a summons in the State of Utah on March 18, 2020 and received a copy of Plaintiff's Complaint on the same date. Pursuant to 28 U.S.C. § 1446(b), this Notice has been timely filed. A copy of the Summons and Complaint are attached hereto as Exhibit B.

3. Defendant has not filed an Answer or other responsive pleading to this Complaint. *See Utah Third District Court Docket, Exhibit A.*

4. In his complaint, Plaintiff alleges multiple causes of action arising under *15 U.S.C. § 1692*, (commonly known as the Fair Debt Collection Practices Act), as well as related Utah state law claims.

5. This action is a civil action of which this Court has original jurisdiction under *28 U.S.C. § 1331* and supplemental jurisdiction under *28 U.S.C. § 1367*, and is one which may be removed to this Court by Defendant DUKE CAPITAL LLC pursuant to the provision of *28 U.S.C. § 1441(b)* in that it arises under the laws of the United States, *15 U.S.C. § 1692 et. seq.*

6. Other than Defendant DUKE CAPITAL LLC, there are no other Defendants in the action. Thus, all the Defendants in the action have been served.

7. Defendant DUKE CAPITAL LLC reserves all defenses, including, but not limited to, those under Federal Rules of Civil Procedure 12(b), and do not waive said defenses by filing this Notice of Removal.

DATED this 6th day of April 2020.

/s/ Gregory M. Constantino
Gregory M. Constantino

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that, pursuant to Rule 5(b) of the Fed. R. of Civ. Proc., that on April 6, 2020, a true and accurate copy of the foregoing NOTICE OF REMOVAL was delivered by e-mail to the following:

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/s/ Gregory M. Constantino